

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC; MARTIN
AFFILIATED, LLC,

Plaintiffs,

v.

SPOTIFY USA INC.; HARRY FOX
AGENCY, LLC,

Defendants.

Civil Case No. 19-CV-00736

Hon. Aleta A. Trauger

JURY DEMAND

SPOTIFY USA INC.,

Third-Party Plaintiff,

v.

KOBALT MUSIC PUBLISHING AMERICA,
INC.,

Third-Party Defendant.

**SPOTIFY USA INC.'S MOTION TO EXCLUDE THE REPORTS AND TESTIMONY OF
PLAINTIFFS' EXPERT BOB KOHN**

Pursuant to Federal Rule of Evidence 702 and Federal Rule of Civil Procedure 26(a)(2)(B), Spotify USA Inc. ("Spotify") moves to exclude the reports and testimony of Plaintiffs' proposed expert Bob Kohn. As set forth in the accompanying memorandum, appendices, and supporting exhibits, Kohn's reports and testimony in this action are inadmissible for a number of reasons. *First*, to the extent that any of Kohn's conclusions are discernible, they violate Federal Rule of Evidence 702 because they consist of legal conclusions, speculation regarding the parties' states of mind, and improper factual narrative. *Second*, whatever opinions Kohn may attempt to offer in

this case were not properly disclosed to Spotify, in violation of Federal Rule of Civil Procedure 26(a)(2)(B).

WHEREFORE, Spotify respectfully requests that the Court preclude Kohn from offering any opinion testimony in this case.

Pursuant to Local Rule 7.01, Spotify's counsel conferred with Plaintiffs' counsel regarding the relief sought in this motion. Plaintiffs oppose the motion.

Dated: September 11, 2023

Respectfully submitted,

By: /s/ Aubrey B. Harwell III

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on September 11, 2023 with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system. Parties may access this filing through the Court's electronic filing system.

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